

The Self Assessment Tool

The objective of the self assessment exercise is to help you think about the implications of choosing to represent yourself in court. This exercise is designed to help you understand and identify the strengths and weaknesses you have that may affect your ability to be successful in court without an attorney.

Please answer each question below as truthfully as possible before proceeding with representing yourself as it will assist you in making an informed choice about your decision. At the end of the exercise, your points will be tallied. The scoring system will help you assess your abilities, skills, and personal circumstances, which may help you decide if representing yourself is advisable.

1. Are you generally on time for meetings and deadlines?

☐ **YES** = This is a good trait to have. The court expects people to be on time for hearings and to file any paperwork in compliance with deadlines set by the judge.

☐ **NO** = This will not help you in your attempt to represent yourself. The court runs on a tight schedule. The judge will expect participants to be present in court and to file forms on time. If you are not a good time manager in your daily life, a lawyer might be able to do a better job for you in a court case than you could do yourself.

2. Can you make it to the courthouse during the day?

☐ **YES** = This is an advantage for you. A flexible schedule will allow you to come to court when you have to file paperwork and attend hearings.

☐ **NO** = If you cannot make it to the court during the business day, you might want to reconsider representing yourself. Representing yourself requires a flexible schedule so hearings can be attended and paperwork can be filed on time. Getting an attorney may be the best way to handle your case if you are unable to get to the courthouse during the business day.

3. Do you fill out and file your own tax returns?

☐ **YES** = Filling out tax forms can be a valuable experience. Court forms, like tax forms, are complicated. If you have had the experience of filling out tax forms, it may make the court forms easier for you to master.

☐ **NO** = If you have never filled out tax forms because you are afraid they are too complicated, this might indicate that you will find the court forms to be complicated. Both tax and court forms are complex and can take a lot of time to complete. If you have never worked with tax forms, you may not have had any experience filling out complicated documents and sorting out important information.

4. Do you normally solve problems by doing your own research?

☐ **YES** = It is good that you are comfortable with research. Some research will be needed if you are to be successful with your case. You will need to learn the rules and laws applicable to your case.

☐ **NO** = This may cause a problem for you. If you do not like research then representing yourself may not be a good idea. Research is essential for you to be successful in court without a lawyer. If you fail to do necessary research you are likely to fail in reaching your goal in the case.

5. Are you at ease speaking in front of others?

☐ **YES** = Speaking in front of people is a major requirement of self representation in court. Being at ease in front of an audience will help you explain your points and make the process go smoother.

☐ **NO** = If you avoid all public speaking then you may want to rethink litigation without an attorney. Representing yourself requires speaking clearly and logically in the courtroom. There might be a number of strangers sitting in the courtroom listening or waiting for their case, so if speaking in front of groups bothers you, hiring a lawyer may be a good idea.

6. Do you get angry under stress?

☐ **YES** = If you get angry while under stress, you may not want to represent yourself. The whole process in the courtroom is stressful. If you become angry it will make the process even more difficult. The result may be that you will not get the outcome you want. Having a lawyer would take a great deal of stress off your shoulders.

☐ **NO** = You will have an advantage if you handle stress well. Being able to stay in control and conduct yourself in a calm fashion will help make the process easier. Being calm will help you speak more clearly in court and comply with the requirements for completing forms properly.

7. Are you usually frustrated by rules that you believe to be unfair?

☐ **YES** = If you are frustrated by rules then you may want to get a lawyer. Attorneys can help you understand why a rule is in place. Courts have rules which must be followed, even if you do not have an attorney.

☐ **NO** = It will help you to be able to accept and abide by rules. Rules are essential to the court process and must be followed at all times. Rules help to make sure each case is treated fairly, and to prevent one party from taking advantage of another party.

8. Can you make decisions and stick to them?

☐ **YES** = Once you make a decision in court you must be willing to stick with it. It can be very hard to change things after filing a form or making a statement. Being able to make decisions will allow you to represent yourself better.

☐ **NO** = If you have a problem sticking to decisions then you may have a problem in court without an attorney. Once you say something or file a piece of paper it can be very hard to change it. Having a lawyer would help because your attorney can help make the right decision the first time.

9. Does your case involve risks of loss of your property, your home, a pension, or other assets that are important to you?

☐ **YES** = When large amounts of money are involved, the consequences of the outcome are more important. It may help to get a lawyer to prevent mistakes that could have a huge effect on your finances or your property.

☐ **NO** = Every case is important but those involving lots of money may have a bigger impact. If the possibility of loss is not severe then it may be easier for you to represent yourself because the risks are smaller.

10. Are your children's lives going to be affected by the outcome of this dispute?

☐ **YES** = When children are involved in a legal dispute, the consequences of the outcome are far too important to take chances. It may help to get a lawyer to prevent mistakes in the legal process that could affect the future of your children.

☐ **NO** = Every case is important but those affecting your children's lives are critical. If you have no children or they are not going to be affected by the outcome, it may be easier for you to represent yourself because the risks are not as great.

11. Have you ever been to a trial?

☐ **YES** = Having witnessed a trial would be very beneficial to those expecting to represent themselves. Seeing a trial in action may give the person an idea of how to act in court and what procedures need to be followed.

☐ **NO** = If you have not been to a trial you may not understand how a real trial runs and what it takes to represent yourself. Seeing a trial in action teaches you that most TV shows do not accurately represent what happens in the courtroom. It may be best to get an attorney if you have never witnessed a trial in person.

12. Have you read any self help books?

☐ **YES** = Reading self help material regarding the court process will help. These resources may give the person a basic understanding of trial proceedings and courtroom behavior. If you have prepared by reading these kinds of books, then you may be in a better position to represent yourself.

☐ **NO** = If you have never read about what goes on in a trial you may be at a disadvantage. Not knowing the procedures and skills that would help you will leave you very confused. It may be best to hire a lawyer.

13. Are you able to listen carefully while others talk?

☐ **YES** = This is a vital skill for any courtroom proceeding. You must listen to what the judge and your opponent have to say. If you are a good listener then you can pick up on any mistakes that may be made and take advantage of them. Someone is always talking, so you must be willing to listen for lengthy periods of time while in court.

☐ **NO** = If you do not like to listen to others talk, you might want to have an attorney. There is always someone talking in the courtroom. If you don't listen then you might miss things that are important to the outcome of your case. Lawyers are trained to listen carefully in the courtroom.

14. Do you ask questions when you are confused by something?

☐ **YES** = Asking questions will be a major part of representing yourself. You may have to ask questions about forms and how to fill them out. Asking questions will allow you to complete things properly and make your case move along with less delay.

☐ **NO** = If you do not like to ask questions then representing yourself may be difficult. You will be confused while learning new procedures so it is beneficial to ask questions. If you do not want to ask questions then you should consider hiring a lawyer. Not all of your questions can be answered by the court staff.

15. Do you normally dress neatly for important occasions?

☐ **YES** = Dressing neatly is a good idea in any courtroom. The judge and opposing party will respect you more when you are properly dressed for court. Your appearance may have an effect on your credibility.

☐ **NO** = If you do not dress neatly then you may not be taken seriously. It will hurt you because the judge and opposing party may not respect you. Also, judges may not start your case if you are not properly dressed.

16. Do you usually keep all of your important documents in your files?

☐ **YES** = Keeping all your files orderly will be a tremendous help. Being organized will help in all aspects of a trial. It may help when people refer to earlier documents. If you do not discard important papers you are able to recall what has occurred in your case by reviewing your file.

☐ **NO** = If you do not keep all your documents, you may throw away an important piece of paper for the trial. If keeping things organized is not your style then it may be best to get a lawyer to handle your case.

17. Do you read instructions carefully?

☐ **YES** = If you carefully read directions then you should be able to fill out forms and properly represent yourself in court. Attention to detail is important throughout the litigation experience, including inside the courtroom.

☐ **NO** = Reading instructions will be a major part of filling out forms. If you do not read them, you may ignore something that will help your case.

18. Have you given careful thought to what you want to accomplish by asking the court to resolve your dispute?

☐ **YES** = Courts have a limited number of solutions available under the law for resolving disputes. If you have reasonable expectations about what is likely to happen, you may be in a better position to work toward your goal, even without an attorney helping you.

☐ **NO** = If you do not have a clear idea about what you want to accomplish in court, or lack a reasonable understanding about what the options are under the law, you are likely to be disappointed and frustrated. An attorney would advise you about what to expect.

Scoring Section:

This scoring system is not scientifically based. It is a gauge for someone considering self-representation in a court case. The following are only generalizations concerning the qualifications someone may have whose score on this exercise is in the ranges indicated below.

36 - 45 points: This range would suggest that either the case may lend itself to self representation or that you may possess many of the habits, skills, and attitudes that may make you a good candidate for self representation.

16 - 35 points: The second scoring tier would suggest that the case may be difficult to handle without an attorney, or that you may not possess some of the qualities needed to handle the case successfully. You may want to seek some help from an attorney who is able to coach you or otherwise provide limited assistance.

0 - 15 points: This range suggests that you may lack many of the habits and attitudes that are generally required to be successful with self representation or that the case does not lend itself whatsoever to pro se litigation, and that you should strongly consider hiring a lawyer.